

PLANNING BOARD MINUTES

MAY 28, 2015

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the DPW Conference Room. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, and Director of Community Development Steve Sadwick.

(A) 20 Carter Street

Mr. Sadwick presented a copy of the revised Special Permit conditions for 20 Carter Street. This process started off when the Building Commissioner had concerns with parking and how enforcement would be done. These concerns were brought to Town Counsel and there was consideration of an appeal. Mr. Sadwick stated that he, the Building Commissioner and Town Counsel met with Mr. Xaras, Mr. Hill and their consultant. After review of the file, it was agreed that the Planning Board approval of 2008 include the restaurant area for a total of 308 total parking spaces. Most of the edits presented tonight were at the request of the Building Commissioner and Town Counsel and the applicant agreed. If the Board agrees to these changes, he has a revised Special Permit for the Board to sign and will submit it to the Town Clerk.

Mrs. Reed asked if in #2, should the date be 2008. Mr. Sadwick replied no, it was approved in 2008 but 2009 is the correct date. Mr. Sadwick stated that #7 was a clarification that the parking lot would be repaved, not just fixing potholes. Mr. Sadwick stated that #6, Town Counsel wanted consistency with #5 with the snack bar/restaurant terminology. Mr. Fowler stated that it was never called a lounge. Mr. Fratalia asked if they have submitted the lease yet. Mr. Sadwick replied no that would be required prior to an occupancy permit being issued.

Mr. Anderson stated that the parking lot is deplorable and he is glad to see they will be fixing it.

MOTION - Mr. Fowler made a motion to accept the proposed changes to the Special Permit conditions for 20 Carter Street as presented. The motion was seconded by Mr. Fratalia and unanimously voted 4-0. Mr. Anderson abstained from voting due to the fact that he was not a signature on the original Special Permit.

(C) 515 Woburn Street

Mr. Sadwick stated that there is a potential tenant for 515 Woburn Street. Some of the uses maybe by special permit, some maybe by right. They would like the Board's opinion on how to proceed. There are six box trucks that are part of their everyday business and there are bays that they would like to use to repair their own vehicles. The question is would the box trucks be considered as accessory use or part of their business.

Attorney Richard O'Neill and Greg Hughes appeared for the discussion. Attorney O'Neill stated that the owners of 515 Woburn Street are in the process of negotiating a lease with Interstate Electric to lease 90,000 SF of the 127,000 SF building. They will occupy the entire first floor with the Salter School currently occupying most of the second floor. Interstate Electric is currently located in several properties in Billerica. Servicing their fleet of vehicles is critical and all repairs will be done inside the building.

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Mrs. Reed asked if this was in the HI zone before. Attorney O'Neill replied yes. Mrs. Reed stated that repair of motor vehicles was not allowed in that zone before. Mr. Sadwick stated that the box trucks are an integral part of their business model and shouldn't be considered an accessory use. The automotive repair is another issue but they are not doing work on any vehicles other than their own fleet.

Mr. Johnson asked if it is the intent to register the vehicles that are being repaired to that address. Attorney O'Neill replied he believes so and they will be stored there. Mr. Johnson stated that if the box trucks are an integral part of the business and they are registered at the address he would be ok with it.

Mr. Fowler asked where would the trucks access the building. Mr. Sadwick stated that there are loading docks in the back and the service area is on the side near the street. Mr. Fowler stated that a condition could be added that no work on vehicles could be done outside of the building.

Mr. Anderson asked if there were going to be any improvements to the building. Mr. Hughes stated that they are going to be giving \$400,000 for improvements with the possibility of more.

(B) 205 Washington Street

Mr. Sadwick had provided a draft decision for 205 Washington Street to Josh Lee Smith. He has requested some revisions so a strikeout version has been provided. There are some typos that have been corrected and additional findings. They have requested that the standard landscape clause be deleted and add a new #7 under Special Condition. If the Board has no problem, he has a new amended Special Permit that the Board could sign tonight and he would forward the amended Special Permit to the Town Clerk.

Mr. Johnson asked if Mr. Sadwick recommends the changes. Mr. Sadwick replied yes.

Mrs. Reed asked if the Town is agreeable to escorted inspections. Mr. Sadwick replied yes.

MOTION - Mr. Fratalia made a motion to accept the proposed changes to the Special Permit conditions for 205 Washington Street as presented. The motion was seconded by Mr. Fowler and unanimously voted 4-0. Mr. Anderson abstained from voting due to the fact that he was not a signature on the original Special Permit.

(D) Affordable Housing

Mr. Sadwick stated that Mrs. Reed brought up at the last meeting that the CPA has money for an affordable housing consultant. The Town Manager and Board of Selectmen are also looking at this. They are requesting a summit meeting with the Planning Board on how to address the affordable housing needs.

Mr. Sadwick stated that they have a selected a Planning intern and he is going to start working on Open Space and Town owned land. The Town is currently at 9.6%. If you look at the new units being built, the number will be closer to 9.2%.

Mr. Fowler asked what the amount in the affordable housing trust fund. Mr. Sadwick replied about \$2 Million.

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Mrs. Reed stated that there has been no interest in doing 40B projects in the last few years, so the number of units have not increased.

Mr. Johnson stated that there is a stigma in terminology with affordable housing is the same as Section 8.

Mr. Anderson stated that we should start looking at Town owned property for affordable housing. There is property on Poplar Street, Whipple Road, Pond Street, and Easement Road. We should look at partnering up with a developer.

Mr. Johnson stated that when a developer wants to request a fee in lieu of, we should instead say instead of the fee we want them to do something in a designated area. Mr. Sadwick stated that 40B projects try to mix income levels. People don't understand that 15% affordable requires 80% of the medium income. The Housing Authority has said that affordable tenants behave better when mixed in with higher incomes.

Mr. Anderson stated that with the two projects from Mr. Martel and Mr. Ginsburg there will be another \$750,000 for the affordable housing, why don't we look into constructing a small project. Mr. Sadwick stated that we aren't setup for a project yet and we need to go to Town Meeting for disposition of Town owned land and Town Meeting only happens once every six months. Mr. Sadwick stated that Town owned land would have multiple purposes including open space, cell tower leases as well as affordable housing. Mr. Anderson asked when would the housing summit be held. Mr. Sadwick replied June.

(E) Master Plan

Mr. Sadwick stated that he has only received comments from Mrs. Reed. He has forwarded them to the consultant and they had no issues with incorporating them. The land use portion of the 2003-2004 Master Plan talks about commercial/mixed uses along Rt. 38.

Mr. Sadwick stated that the question is should we be changing the zoning and remove the overlays because they are starting to get confusing.

Mrs. Reed stated that perhaps we should consolidate the overlays and make fewer ones. We should look at going from five to three overlays dealing with small, medium and large developments. Mr. Sadwick stated that the Master Plan calls out Rt. 38 by districts. Mr. Sadwick stated that the overlays were created to help develop empty areas along Rt. 38.

Mr. Fowler stated that the overlays have stimulated growth. Mr. Johnson stated that the HI-1 was a legitimate zoning change. Mr. Fratalia asked how long has the overlay districts been in the bylaw. Mr. Sadwick replied since 2009.

Mr. Fowler left the meeting.

Mrs. Reed stated that this Master Plan doesn't have the same teeth as the first one. There was not a lot of public input but it does mimic the original Master Plan in concept. Mr. Sadwick stated that this was an update and the other was the full startup so there was a lot of public input and technical papers presented. This one had pieces from NMCOG as well and they tried to retrofit everything into one. Mr. Sadwick stated that we did say that once we had the final draft, we would hold a few public sessions. Mr. Fratalia asked when the final draft would be ready. Mr. Sadwick replied in a few weeks.

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Mr. Fratalia asked what is going on with Woburn Street/Highland Ave. Mr. Sadwick is filing an appearance for the appeal.

Mr. Anderson stated that this appeal is a stall tactic to leave the place a mess and collect rent.

Mr. Anderson asked if there is a way for the Town to contact business to try to have them come into Town such as Starbucks. They would be perfect for the old Friendly's spot. Mr. Johnson stated that we have talked about outreach to businesses. Mr. Anderson asked if there are grants available to update buildings. Mr. Sadwick replied yes, but they are usually connected to a Town Center project. Mr. Anderson asked if the Community Development office could contact them. Mrs. Reed stated that seems to be crossing a line. Mr. Johnson stated that we should get a list of available properties and have an outreach program.

Mr. Anderson stated that we need to also look into more help for code enforcement.

Adjournment

MOTION - Mr. Fratalia made a motion to adjourn the meeting at 8:30 PM. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

Approved: 7/13/15

NO Documents provided to Committee Members.